

Committee Room,  
Austin, Texas, March 11, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on En-  
rolled Bills, have had S. B. No. 359  
carefully examined and compared  
and find same correctly enrolled.

WESTERFELD, Chairman.

### THIRTY-EIGHTH DAY.

(Monday, March 15, 1937)

The Senate met at 2 o'clock p.  
m., pursuant to adjournment, and  
was called to order by President  
Woodul.

The roll was called and the follow-  
ing Senators were present:

Aikin.	Pace.
Beck.	Rawlings.
Brownlee.	Redditt.
Burns.	Roberts.
Collie.	Shivers.
Cotten.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Oneal.	

Absent—Excused.

Davis. Newton.

A quorum was announced present.

The invocation was offered by the  
Chaplain.

Reading of the Journal of the pro-  
ceedings of last Friday, March 12,  
1937, was dispensed with, on motion  
of Senator Aikin.

### Leaves of Absence Granted.

Senators Davis and Newton were  
granted leaves of absence for today  
on account of illness, on motion of  
Senator Aikin.

Senator Rawlings was granted  
leave of absence for the remainder  
of today and for tomorrow, on ac-  
count of illness, on motion of Sena-  
tor Small.

### Reports of Standing Committees.

Reports on Senate Bills Nos. 50,  
and 423 and on H. B. No. 36 were  
submitted at this time by the chair-  
men of the several committees to  
which they were referred. (See ap-  
pendix for reports in full.)

### House Bill No. 131 on Passage to Third Reading.

(Unfinished Business.)

The President laid before the Sen-  
ate, as unfinished business, on its  
passage to third reading (the bill  
having been read second time on  
Thursday March 11, 1937):

H. B. No. 131, A bill to be entitled  
"An Act amending Article 1119 of  
the Revised Civil Statutes of Texas  
of 1925, so as to make its provisions  
apply to all incorporated cities or  
towns incorporated under the Gen-  
eral Laws of the State of Texas; pro-  
viding that persons, companies or  
corporations engaged in the tele-  
phone business in incorporated cities  
and towns shall be included in the  
provisions of said Article; and to  
limit the earnings of persons, com-  
panies, or corporations coming  
within the provisions of said Article  
to an amount not exceeding a fair  
return upon the fair value of the  
property used and useful in render-  
ing its service to the public, etc.;  
repealing all laws and parts of laws  
in conflict herewith; providing if any  
part of the Act is declared unconsti-  
tutional, it shall not affect the val-  
idity of the remainder of the Act,  
and declaring an emergency."

The bill was passed to third  
reading.

### House Bill No. 131 on Third Reading.

Senator Oneal moved to suspend  
the constitutional rule requiring  
bills to be read on three several days  
and that H. B. No. 131 be placed on  
its third reading and final passage.

The motion prevailed by the fol-  
lowing vote:

Yeas—25.

Aikin.	Cotten.
Beck.	Head.
Brownlee.	Hill.
Burns.	Isbell.
Collie.	Lemens.

Moore.	Stone.
Neal.	Sulak.
Nelson.	Van Zandt.
Oneal.	Weinert.
Pace.	Westerfeld.
Redditt.	Winfield.
Roberts.	Woodruff.
Spears.	

Nays—1.

Holbrook.

Absent.

Shivers. Small.

Absent—Excused.

Davis. Rawlings.  
Newton.

The President then laid H. B. No. 131 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Redditt.
Burns.	Roberts.
Collie.	Shivers.
Cotten.	Spears.
Head.	Stone.
Hill.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.

Nays—1.

Holbrook.

Absent.

Small.

Absent—Excused.

Davis. Rawlings.  
Newton.

#### Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, March 15, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 137, A bill to be entitled "An Act authorizing trustees of common school districts and common consolidated school districts to make contracts with superintendents and principals providing for the length of time of such employment, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### House Bill on First Reading.

The following House Bill, received from the House today, was laid before the Senate, read first time and referred by the President to the appropriate committee as indicated:

H. B. No. 137, to Committee on Educational Affairs.

#### House Concurrent Resolution No. 64.

The following resolution was laid before the Senate and was read:

H. C. R. No. 64, Thanking Mr. W. Lee O'Daniel of Fort Worth, Texas, for a song.

By unanimous consent of the Senate, the resolution was adopted at this time.

#### Bills and Resolutions Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolutions:

H. B. No. 268, "An Act making it unlawful to kill squirrel in Angeline and Tyler Counties, Texas, during the month of July; declaring it unlawful for any person to kill, take or have in his possession for purpose of sale any wild fox or the pelts thereof, providing that this law shall be in force for a period of two years; prescribing a penalty for the violation of the provisions of this Act; repealing all laws in conflict, and declaring an emergency."

H. B. No. 174, "An Act making an appropriation from the State Treasury for the preparation, checking, investigation, and correction of the scholastic census and for accounting and investigation necessary in the approval of transfers to the Census Division to the State Department of Education; providing money for salaries, wages, rent, equipment, sup-

plies, printing, and necessary traveling expenses incident thereto for the sum of Fifteen Thousand (\$15,000.00) Dollars for the year ending September 1st, 1937, and declaring an emergency."

H. B. No. 100, "An Act making an emergency appropriation to supplement an appropriation made by the Regular Session of the Forty-fourth Legislature for the fiscal year ending August 31, 1937, found on page 1053, Acts of the Regular Session of the Forty-fourth Legislature; etc., and declaring an emergency."

H. C. R. No. 51, That the Legislature of Texas go on record as approving the matters set forth in H. R. No. 1546, and memorializing Congress to actively support such resolution.

H. C. R. No. 63, Granting the Enrolling Clerk permission to amend the caption of H. B. No. 268 to conform with the Senate amendment.

#### Committee Substitute for Senate Bill No. 99 on Passage to Engrossment.

(Unfinished Business.)

The President laid before the Senate on its passage to engrossment (the bill having been read second time on March 9, 1937):

C. S. for S. B. No. 99, A bill to be entitled "An Act making appropriations to certain State educational institutions, etc., and declaring an emergency."

With the following amendment by Senator Woodruff pending:

Amend C. S. for S. B. No. 99 by striking out the item for Texas State College for Women, Subsection H. Section 1, and insert in lieu thereof the following:

To Texas State College for Women for General Repairs, Maintenance and Support, \$96,000.00.

Question—Shall the amendment be adopted?

Yeas and nays were demanded, and the amendment was lost by the following vote:

Yeas—10.

Cotten.	Pace.
Head.	Small.
Holbrook.	Spears.
Lemens.	Stone.
Moore.	Van Zandt.

Nays—14.

Aikin.	Redditt.
Beck.	Roberts.
Brownlee.	Shivers.
Burns.	Sulak.
Hill.	Weinert.
Isbell.	Westerfeld.
Neal.	Woodruff.

Present—Not Voting.

Oneal.

Absent.

Collie.	Winfield.
Nelson.	

Absent—Excused.

Davis.	Rawlings.
Newton.	

Senator Woodruff moved to reconsider the vote by which the amendment was lost, and the motion to reconsider was lost.

Senator Lemens offered the following amendment to the bill:

Amend C. S. for S. B. No. 99 by adding new Section to read as follows:

To supplement appropriation for rural schools as provided in H. B. No. 327, Acts Regular Session Forty-fourth Legislature, One Million Eight Hundred Ninety-eight Thousand Dollars.

(Signed): Aikin, Lemens, Cotten, Van Zandt, Newton, Davis, Stone and Sulak.

Senator Pace offered the following substitute for the amendment: •

Amend C. S. for H. B. No. 99, by adding a new Section to read as follows:

"To provide a building fund for the purpose of constructing a new building in the Starville Consolidated School District of Smith County, Texas, heretofore lost by fire, \$1,500.00"

Senator Lemens raised the point of order: That the substitute is not germane to the amendment.

The President sustained the point of order.

Senator Burns offered the following amendment to the amendment:

Amend the Aikin amendment by adding the following:

Such sum shall be spent by the State Board of Education and exclusively under its direction.

Yeas and nays were demanded, and the amendment to the amendment was adopted by the following vote:

## Yeas—20.

Aikin.	Moore.
Beck.	Neal.
Brownlee.	Nelson.
Burns.	Oneal.
Collie.	Roberts.
Cotten.	Shivers.
Head.	Sulak.
Hill.	Van Zandt.
Isbell.	Westerfeld.
Lemens.	Winfield.

## Nays—4.

Pace.	Small.
Redditt.	Woodruff.

## Present—Not Voting.

Spears.	Weinert.
Stone.	

## Absent.

Holbrook.

## Absent—Excused.

Davis.	Rawlings.
Newton.	

Question recurring on the amendment as amended, yeas and nays were demanded.

The amendment as amended was adopted by the following vote:

## Yeas—19.

Aikin.	Nelson.
Brownlee.	Oneal.
Burns.	Pace.
Collie.	Stone.
Cotten.	Sulak.
Head.	Van Zandt.
Hill.	Westerfeld.
Holbrook.	Winfield.
Isbell.	Woodruff.
Lemens.	

## Nays—8.

Beck.	Shivers.
Moore.	Small.
Redditt.	Spears.
Roberts.	Weinert.

## Present—Not Voting.

Neal.

## Absent—Excused.

Davis.	Rawlings.
Newton.	

Senator Weinert offered the following amendment to the bill:

Amend S. B. No. 99 by adding thereto a new Section as follows:

To any and all school districts of Guadalupe, Gonzales, Caldwell, Comal, Hays and Blanco Counties for the purpose of rebuilding any and all school buildings which may hereafter be destroyed by fire, storm or otherwise, when, as and if any such buildings may be destroyed, \$20,000.00.

The amendment was adopted.

## Record of Votes.

Senators Collie and Cotton asked to be recorded as having voted "nay" on the amendment of Senator Weinert.

Senator Van Zandt moved to reconsider the vote by which the amendment was adopted.

Yeas and nays were demanded, and the motion to reconsider prevailed by the following vote:

## Yeas—21.

Aikin.	Nelson.
Brownlee.	Oneal.
Burns.	Pace.
Collie.	Small.
Cotten.	Stone.
Head.	Sulak.
Hill.	Van Zandt.
Isbell.	Westerfeld.
Lemens.	Winfield.
Moore.	Woodruff.
Neal.	

## Nays—7.

Beck.	Shivers.
Holbrook.	Spears.
Redditt.	Weinert.
Roberts.	

## Absent—Excused.

Davis.	Rawlings.
Newton.	

Question then recurred on the amendment of Senator Weinert.

Senator Van Zandt moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

## Yeas—16.

Aikin.	Moore.
Brownlee.	Nelson.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Sulak.
Head.	Van Zandt.
Isbell.	Winfield.
Lemens.	Woodruff.

## Nays—11.

Beck.	Small.
Holbrook.	Spears.
Neal.	Stone.
Redditt.	Weinert.
Roberts.	Westerfeld.
Shivers.	

Absent.

Hill.

Absent—Excused.

Davis.	Rawlings.
Newton.	

Senator Pace offered the following amendment to the bill:

Amend C. S. for H. B. No. 99 by adding a new Section to read as follows:

"To provide a building fund for the purpose of constructing a new building in Starville School District of Smith County, heretofore lost by fire, \$1,500.00.

The amendment was adopted.

Senator Small offered the following amendment to the bill:

Amend S. B. No. 99 by adding a new Section to read as follows:

To Briscoe County Line School District located in Wheeler and Hemphill Counties, for the purpose of aiding in restoring class room building destroyed by fire, the sum of \$3,000.00.

The amendment was adopted.

Senator Weinert moved to recommit the bill to the Committee on Finance.

Yeas and nays were demanded, and the motion to recommit was lost by the following vote:

## Yeas—12.

Beck.	Redditt.
Hill.	Roberts.
Holbrook.	Shivers.
Lemens.	Spears.
Neal.	Weinert.
Oneal.	Westerfeld.

## Nays—15.

Aikin.	Nelson.
Brownlee.	Pace.
Burns.	Small.
Collie.	Stone.
Cotten.	Van Zandt.
Head.	Winfield.
Isbell.	Woodruff.
Moore.	

Absent.

Sulak.

Absent—Excused.

Davis.	Rawlings.
Newton.	

Senator Woodruff offered the following amendment to the bill:

Amend S. B. No. 99 by adding at the end of Section 1 the following:

To rebuild Double Oak Common School House in Denton County, Texas, \$2575.00.

The amendment was adopted.

## Special Order Set.

On motion of Senator Moore, and by unanimous consent, S. B. No. 114 was set as special order for next Monday, March 22, 1937, immediately after conclusion of morning call on that day.

## Senate Bill No. 282 on Second Reading.

On motion of Senator Oneal and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 282, A bill to be entitled "An Act to amend Article 7256, Revised Civil Statutes of Texas, 1925, as amended by Section 1, Chapter 16, Acts of the First Called Session of the Forty-third Legislature, so as to provide that in counties having a population of seventy thousand (70,000) or more and less than seventy-seven thousand (77,000), according to the last Federal Census, and containing one or more cities or towns other than the county seat, which has in excess of one thousand (1,000) inhabitants, according to the last Federal Census, the assessor and collector of taxes, with the consent and approval of the commissioners' court, may appoint a deputy tax col-

lector in each such county; and defining the duties of such deputies; and providing for the salaries of such deputies; and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to engrossment.

**Senate Bill No. 282 on Third Reading.**

Senator Oneal moved to suspend the constitutional rule requiring bills to be read on three several days and that S. B. No. 282 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—28.**

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Redditt.
Burns.	Roberts.
Collie.	Shivers.
Cotten.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.

**Absent—Excused.**

Davis.	Rawlings.
Newton.	

The President then laid S. B. No. 282 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—28.**

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Redditt.
Burns.	Roberts.
Collie.	Shivers.
Cotten.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.

**Absent—Excused.**

Davis.	Rawlings.
Newton.	

**Adjournment.**

Senator Pace moved that the Senate adjourn until 10 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion to adjourn prevailed by the following vote:

**Yeas—15.**

Beck.	Redditt.
Cotten.	Roberts.
Holbrook.	Shivers.
Isbell.	Small.
Lemens.	Stone.
Neal.	Van Zandt.
Oneal.	Weinert.
Pace.	

**Nays—12.**

Aikin.	Nelson.
Brownlee.	Spears.
Burns.	Sulak.
Head.	Westerfeld.
Hill.	Winfield.
Moore.	Woodruff.

**Absent.**

Collie.

**Absent—Excused.**

Davis.	Rawlings.
Newton.	

The Senate, accordingly, at 4:25 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

**APPENDIX.**

**Bills Filed With Secretary of State.**

Austin, Texas, March 12, 1937.

Hon. Bob Barker, Secretary of the Senate.

Dear Mr. Barker: Governor Allred has today signed the following bill:

S. B. No. 259, by Senator Hill.

And the same has been filed in this department.

Yours very truly,

EDWARD CLARK,  
Secretary of State.

Austin, Texas, March 12, 1937.

Hon. Bob Barker, Secretary of the Senate.

Dear Mr. Barker: Governor

Allred has today signed the following bills:

S. B. No. 268, by Senator Oneal.

S. B. No. 302, by Senator Roberts.

And the same have been filed in this Department.

Yours very truly,

EDWARD CLARK,  
Secretary of State.

Austin, Texas, March 15, 1937.

Hon. Bob. Barker, Secretary of the Senate.

Dear Mr. Parker: Governor Allred has today signed the following bills:

H. B. No. 157, by Mr. Gibson.

S. B. No. 330, by Senator Roberts.

And the same have been filed in this Department.

Yours very truly,

EDWARD CLARK,  
Secretary of State.

#### Reports of Standing Committee.

(Majority Report.)

Committee Room,

Austin, Texas, March 11, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 50, A bill to be entitled "An Act to amend Chapter 8 of Title 42 of the Texas Revised Civil Statutes of 1925, by adding thereto Article 2190a, providing that it shall not be misconduct for a jury to know and discuss the effect of answers to issues; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

SMALL, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, March 11, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, a minority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 50, A bill to be entitled "An Act to amend Chapter 8 of Title 42 of the Texas Revised Civil Statutes of 1925, by adding thereto Article 2190a, providing that it

shall not be misconduct for a jury to know and discuss the effect of answers to issues; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WESTERFELD,  
SPEARS,  
NELSON.

Committee Room,

Austin, Texas, March 15, 1937.

Hon. Walter F. Woodul, President of the Senate.

Dear Sir: We, your Committee on Public Health, have had under consideration H. B. No. 36, and recommend that it be reported back to the Senate that it do pass and be not printed for the reason that S. B. No. 91 is the same bill and has heretofore been favorably reported and printed.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, March 12, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 423, A bill to be entitled "An Act relating to the compensation of the county judge, sheriff, district attorney or criminal district attorney, as the case may be, the assessor and collector of taxes, county clerk, district clerk and the county commissioners in all counties having a population in excess of three hundred thousand (300,000) inhabitants, according to the last preceding, or any future Federal Census; repealing all laws, or parts of laws, in conflict herewith, and expressly repealing Section 2, of Chapter 236, Laws 1933, Forty-third Legislature, page 805, relating to the compensation of county commissioners, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Vice-Chairman.